

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan McLeod, et al. Art Unit: 3738  
Serial No.: 10/594,377 Examiner: TBD  
371(c) Date: September 26, 2006  
Int'l Filing Date: March 24, 2005  
Title: Porous Implant for Spinal Disc Nucleus Replacement

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**Certificate of Transmission:** I hereby certify that this paper or fee is being transmitted to the USPTO via EFS-Web on August 26, 2008.

Signature: /jaybell/  
Name: Jay B. Bell

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to a Notice of Missing Requirements mailed on June 26, 2008, having a two-month period for response that expires August 26, 2008, the applicant respectfully submits the following:

- (A) A signed declaration by the inventors as required by the Notice of Missing Requirements; and
- (B) Authorization for payment of \$50 excess claims fee.

The Applicant hereby authorizes payment of \$50.00 fee for excess claims fee. No other fees are deemed necessary at this time. However, in the event that there are any fees to be charged or payments to be credited, the Applicants hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
NUVASIVE, INC.

By: /jaybbell/  
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August 26, 2008